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FILED

JUL 26 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Defendant Specially Appearing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CALIFORNIA ENVIRONMENTAL
PROTECTION ASSOCIATION, a
California corporation,
Plaintiff

v

DEN BESTE YARD AND GARDEN, INC., a
California corporation,
Defendant

) Case Number: 4:16-cv-03914 KAW
)
) SPECIALLY APPEARING
) DEFENDANT PAUL DEN BESTE'S
) ASSIGNMENT OF DEFENSE IN
) THIS MATTER TO PATRICK BULMER
) OF CALIFORNIA RECEIVERSHIP
) SERVICES
)

The "FIFTH AFFIRMATIVE DEFENSE INDEMNIFICATION BY RECEIVERSHIP"
contained in the filed herewith "ANSWER BY SPECIAL APPEARANCE DISMISSAL WITH
PREJUDICE DUE TO FAILURE TO PROSECUTE AND FOR PERJURY AND DUE TO
PENDING ONGOING RECEIVERSHIP" demonstrates that court appointed receiver Patrick
Bulmer was and remains responsible and liable for any alleged violations alleged in the instant
COMPLAINT FOR INJUNCTIVE RELIEF, CIVIL PENALTIES, AND REMEDIATION.

In particular, paragraph (c) of **Exhibit A** attached to the ANSWER BY SPECIAL
APPEARANCE DISMISSAL WITH PREJUDICE DUE TO FAILURE TO PROSECUTE AND
FOR PERJURY AND DUE TO PENDING ONGOING RECEIVERSHIP filed herewith,
SPECIALLY APPEARING DEFENDANT PAUL DEN BESTE' ASSIGNMENT OF
DEFENSE IN THIS MATTER TO PATRICK BULMER OF CALIFORNIA RECEIVERSHIP
SERVICES

commencing on page 8 to page 9 of said **Exhibit A** states with emphasis added;

(c.) The Receiver may, in his discretion , operate and conduct Den Beste Yard & Garden, Inc. in the ordinary and usual course of business, to preserve and maintain said business pending hearing on the order to show cause to confirm Receiver's appointment Receiver is hereby authorized to employ servants, agents, employees, clerks and accountants to purchase materials, supplies, and services and to pay therefore at ordinary and usual rates and prices out of funds that shall come into his possession as such Receiver; to bring suit in his own name without further leave of court as the Receiver deems necessary to protect, preserve and maintain the rights, privileges and property of the receivership estate; to compromise debts and to do all things and to incur the risks and obligations ordinarily incurred by owners, managers, and operators of similar properties and enterprises and that no such risk or obligation so incurred shall be the personal risk or obligation of said Receiver but shall be a risk or obligation of the Receivership Estate, **Without limiting the generality of the foregoing, the Receiver shall have the exclusive right to exercise all powers, privileges, and rights of the Judgment Debtors with respect to any stocks, bonds, partnership interests, licenses, permits, authorizations, and the like constituting or comprising the Property, including, but not limited to, voting and proxy rights, if any,**

Therefore, pursuant to paragraph (c) above, specially appearing defendant Paul Den Beste herein and hereby tenders defense of this matter to Patrick Bulmer of California Receivership Services which is demonstrated by the proof of service submitted herewith.


Paul Den Beste

SPECIALLY APPEARING DEFENDANT PAUL DEN BESTE' ASSIGNMENT OF DEFENSE IN THIS MATTER TO PATRICK BULMER OF CALIFORNIA RECEIVERSHIP SERVICES